

# **EXHIBIT 11**

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1 A. Yeah. I was with the  
2 Einstein medical students for pediatrics  
3 at Flushing Hospital.  
4 Q. Were those two both at  
5 Flushing Hospital?  
6 A. Yes, because there's no  
7 pediatric veterans.  
8 Q. That makes sense.  
9 A. Although they could be  
10 pregnant veterans.  
11 Q. And you said that all the  
12 rest of your clerkships were at the VA?  
13 A. In Northport.  
14 Q. Where is Northport?  
15 A. In Long Island.  
16 Q. Long Island?  
17 A. Yeah. Yes.  
18 Q. And the preceptors were  
19 Stony Brook faculty did you say?  
20 A. Yes, most of them.  
21 Q. And they reported your  
22 progress to St. Christopher's?  
23 A. Correct.  
24 Q. So, St. Christopher's would

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1 have records of you as a student for  
2 those two years --  
3 A. Correct.  
4 Q. -- wherever St.  
5 Christopher's presently resides?  
6 A. Correct.  
7 Q. So you would pay tuition to  
8 St. Christopher's so you could go out and  
9 do your clerkships. Is that how it  
10 works?  
11 A. I don't understand the  
12 correlation you're making.  
13 Q. So, when you went to St.  
14 Matthew's in Belize, you would pay  
15 tuition and attend classes?  
16 A. Yes. Yeah.  
17 Q. And then after your first  
18 two years, you were out doing clerkships?  
19 A. That's correct.  
20 Q. And so, you would pay  
21 tuition to St. Christopher's while you  
22 did your clerkships and they would --  
23 A. Well, they were trying to  
24 establish a site at the VA. And I think

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1 I was the first student.  
2 Q. Were there also classes at  
3 St. Christopher's or that St.  
4 Christopher's provided?  
5 A. For clinical clerkships?  
6 Q. Yes.  
7 A. No. I was just under the  
8 auspices of the preceptor. But I did  
9 attend classes at Stony Brook for various  
10 instructional courses, but it wasn't  
11 being matriculated, it was just for my  
12 own development.  
13 Q. Okay.  
14 A. So I would drive to Stony  
15 Brook campus and the same courses that  
16 those students were receiving, I would  
17 sit in and also be attending.  
18 Q. So going back to your  
19 medical school time at St. Matthew's in  
20 Belize, in the basic science courses,  
21 those are lectures?  
22 A. Yes.  
23 Q. And did they have exams,  
24 exam components?

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1 A. Yes.  
2 Q. And were there also lab  
3 courses?  
4 A. Yes.  
5 Q. And did you request  
6 accommodations of double time at St.  
7 Matthew's?  
8 A. Well, this is kind of -- it  
9 was kind of an informal arrangement. If  
10 I was taking an anatomy exam, I would  
11 sit, take the exam. And if I needed as  
12 much time as I wanted to take the test, I  
13 think that it was sort of informal to  
14 allow me to sit longer with no formal  
15 accommodation. Like there was a  
16 professor there, a Ph.D. who was like the  
17 student services type person. But I do  
18 not believe there was any formal  
19 arrangements set up for a disability for  
20 anyone there. So it was informal.  
21 Q. Did you investigate whether  
22 there was --  
23 A. I did. And I would meet  
24 with the counselor, the individual I'm

<p style="text-align: right;">Page 138</p> <p>1 taking about.</p> <p>2 Q. Let me finish my question.</p> <p>3 A. Sorry.</p> <p>4 Q. Did you investigate whether</p> <p>5 they had an office for students with</p> <p>6 disabilities that could grant</p> <p>7 accommodations if the student presented</p> <p>8 documentation?</p> <p>9 A. I did.</p> <p>10 Q. And what did you learn?</p> <p>11 A. I learned that I have to go</p> <p>12 and meet with this counselor every week</p> <p>13 and he would help me with my study</p> <p>14 skills.</p> <p>15 Q. And is it your testimony</p> <p>16 that there was no such thing as formal</p> <p>17 accommodations at St. Matthew's?</p> <p>18 A. I didn't see it done. And</p> <p>19 this individual was really all they had</p> <p>20 for that purpose. And I met with him on</p> <p>21 a weekly basis.</p> <p>22 Q. For two years?</p> <p>23 A. No, not so much the first</p> <p>24 semester, but the second semester I did.</p>	<p style="text-align: right;">Page 140</p> <p>1 person at St. Matthew's the ability to</p> <p>2 have extra time on exams?</p> <p>3 A. Yes.</p> <p>4 Q. And was it so informal that</p> <p>5 you could just take extra time whenever</p> <p>6 you needed it?</p> <p>7 A. No. I think the point I'm</p> <p>8 trying to make is that if you went to see</p> <p>9 this individual who was taking the role</p> <p>10 of the student advisor/counselor that he</p> <p>11 knew who the people were that were having</p> <p>12 difficulties and he tried to accommodate</p> <p>13 them.</p> <p>14 Q. Okay.</p> <p>15 A. That's the feeling that, at</p> <p>16 least, I got. I don't know about anybody</p> <p>17 else, but that's -- this is what I</p> <p>18 believe to be so.</p> <p>19 Q. Take a look in the book at</p> <p>20 Exhibit 1, please.</p> <p>21 A. Okay.</p> <p>22 Q. Am I correct that Exhibit</p> <p>23 1 -- first of all, the handwriting is</p> <p>24 your handwriting?</p>
<p style="text-align: right;">Page 139</p> <p>1 Q. And --</p> <p>2 A. I don't think I was in such</p> <p>3 a bad position because I had -- even</p> <p>4 though I got sick at Ross, I still stood</p> <p>5 and I tried to learn something. So I</p> <p>6 kind of was primed for when I went to St.</p> <p>7 Matthew's because I repeated all that</p> <p>8 course work again. So it wasn't until</p> <p>9 the second semester when I started having</p> <p>10 some problems there.</p> <p>11 Q. And what kind of problems</p> <p>12 did you have?</p> <p>13 A. Problems focusing,</p> <p>14 concentrating, getting organized, study</p> <p>15 skills, time management. You know,</p> <p>16 depression, because I was away from home,</p> <p>17 away from family, away from loved ones.</p> <p>18 You know, I think that</p> <p>19 environment is kind of isolative and that</p> <p>20 took its toll on me. You know, being in</p> <p>21 a foreign place took a toll on e. You</p> <p>22 know, a lot of things affect you when</p> <p>23 you're in that kind of situation.</p> <p>24 Q. Did you request from that</p>	<p style="text-align: right;">Page 141</p> <p>1 A. That's correct.</p> <p>2 Q. And this is your request for</p> <p>3 accommodations on Step 2 CK; is that</p> <p>4 right?</p> <p>5 A. Step 1 and Step 2 CK is what</p> <p>6 is written on top here.</p> <p>7 Q. So take a look, the middle</p> <p>8 of that page, it says "please type or</p> <p>9 print." Do you see?</p> <p>10 A. Yes. So I checked Step 2</p> <p>11 CK.</p> <p>12 Q. So it's accommodations are</p> <p>13 requested for the following step</p> <p>14 examinations. And you checked Step 2 CK.</p> <p>15 A. That's correct.</p> <p>16 Q. So this is your application</p> <p>17 for accommodations in Step 2 CK.</p> <p>18 A. Correct.</p> <p>19 Q. And if you look at the third</p> <p>20 page, toward the bottom, it asks about</p> <p>21 college. If you've had -- well, let's</p> <p>22 see.</p> <p>23 Section D, I'm sorry. Let's</p> <p>24 look on the third page about a quarter of</p>

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1 the way down. Section D, accommodation  
2 history. Do you see that?  
3 A. Yes. Yes.  
4 Q. And it says "standardized  
5 examinations MCAT." And you checked  
6 "no."  
7 Am I correct that means you  
8 did not have accommodations on the MCAT?  
9 A. That's correct. I didn't  
10 receive accommodations.  
11 Q. And then the next section  
12 says "medical school." And you checked  
13 "no." Is that correct?  
14 A. Formal accommodations?  
15 Depends what you want to call  
16 accommodation.  
17 Q. Well, I'm --  
18 A. Formally, yeah, it would be  
19 no, but there were.  
20 Q. So what you said to the NBME  
21 in the form was you didn't get  
22 accommodations in medical school; right?  
23 A. It depends what you want to  
24 call accommodation. Informal

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1 accommodation, yes. Formal  
2 accommodation, no.  
3 Q. That's not what you said on  
4 the form; right? The form --  
5 A. The form doesn't say any  
6 other type of accommodation. It just  
7 says accommodation received, but I didn't  
8 include that because it wasn't anything  
9 that was formally done or with paperwork  
10 that I could submit to them.  
11 Q. And then, for where it says  
12 college, you checked "yes." Is that a  
13 reference to Old Westbury?  
14 A. It is.  
15 Q. And then there's a reference  
16 for secondary or elementary school. You  
17 referred to your time when you were taken  
18 out of class for speech therapy.  
19 A. That's right.  
20 Q. And if you look at the next,  
21 number 2, Exhibit 2, this is -- am I  
22 correct this is your request for  
23 accommodations on Step 2 clinical skills,  
24 CS; is that right?

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1 A. That's correct.  
2 Q. And you provided the same  
3 information there; is that right?  
4 A. I don't know what you mean  
5 by "the same information."  
6 Q. If you look at page 4 under  
7 accommodation history, you checked "no"  
8 with respect to the MCAT.  
9 A. That's correct.  
10 Q. You checked "no" with  
11 respect to medical school; right? Same  
12 as the last one we just looked at.  
13 A. Right, because informal and  
14 not formal.  
15 Q. And you checked "yes" for  
16 college and that refers to Old Westbury?  
17 A. That's correct.  
18 Q. And then the last one,  
19 secondary or elementary school, you said  
20 the same think about the speech --  
21 A. And that's correct, too.  
22 Q. And that's your signature on  
23 both of those?  
24 A. Correct.

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1 Q. Now, did you ever submit any  
2 other requests for accommodations other  
3 than these two forms to the US -- to the  
4 NBME?  
5 A. During which period of time?  
6 Q. Any period.  
7 Well, let's put it this way.  
8 In the 2005/2006 period, did you submit  
9 any other requests for accommodations  
10 other than we just looked at on these two  
11 exhibits?  
12 A. I'm not aware of anything --  
13 I mean, in terms of the paperwork they  
14 required for me to fill out?  
15 Q. Yes.  
16 A. I think this was the only  
17 form they had at the time.  
18 Q. And do you agree with me  
19 that you did not request accommodations  
20 on Step 1?  
21 A. Yeah. But if you read -- if  
22 you read what is written in those files,  
23 it makes reference to Step 1. But the  
24 actual application for Step 1 was not

Richard Katz, M.D., M.H.A.

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## E R R A T A

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PAGE

LINE

CHANGE

5

7223got a C with exam accommodations.

6

1429I never applied for accommodations on MCAT

7

14310this form was not regarded at the time to be all

8

encompassing of all accommodations received.

9

14521Yeah but if you read .....

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1482Registration instead of accommodations

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1485Registration instead of accommodations

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The third of four children to Japanese American Nisei parents, Dr. Matayoshi grew up in socially and economically diverse inner city Chicago where he attended and graduated from Kenwood High School. He earned a BA in Biology from the Colorado College and a degree in Nuclear Medical Technology from the Hines V.A. Hospital near Chicago, Illinois.

After spending several years in various professional positions including hospital service as an ARRT registered NMT, Dr. Matayoshi attended graduate school at the Albany Medical College of Union University in Albany, New York where he received both his MS and PhD in Physiology and Cell Biology. His thesis research focused on fibronectin and its affects on platelet reactivity in both laboratory and large animal models.

Dr. Matayoshi has 25 plus years of diverse teaching, academic and student support experience, of which eight years were in international venues. He has worked with all levels of students from sixth grade through continuing adult and medical education and his teaching and administrative experience have been at community colleges, four-year colleges, professional and graduate schools where he has managed and taught in institutions that use a variety of educational approaches from large lecture hall settings, to small groups and workshops, to individual mentoring relationships, incorporating both standard lecture, problem-based, flipped classroom and on-line methodology.

Besides his expertise in medical science, Dr. Matayoshi is a trained cultural diversity facilitator, public speaking coach and educational consultant.

Currently, Dr. Matayoshi directs the Biomedical Sciences Graduate Program on the Georgia Campus and is involved in both the DO and Graduate Programs as a Course Director, lecturer, and mentor. He has also initiated a Human Performance Laboratory to drive student and faculty research on the Georgia Campus, serves on several campus, faculty and institutional committees, and is a campus liaison to the local community through his work with Gwinnett County Public Schools and the Gwinnett County leadership community. He has a wife and two sons and has side interests in horticulture and ichthyology.

## EDUCATION

### Education

PhD, Physiology and Cell Biology, The Albany Medical College of Union University, Albany, NY

MS, Physiology and Cell Biology, The Albany Medical College of Union University, Albany, NY

NMT, School of Nuclear Medicine Technology, Hines VA Hospital, Hines, IL

BA, Biology, The Colorado College, Colorado Springs, CO

- Brian M. Matayoshi, Ph. D. is professor of the Department of Bio-Medical Science PCOM-Georgia is Associate Director for Graduate Program in Biomedical Science/Professor of Neuroscience, Physiology, and Pharmacology. Dr. Matayoshi was Katz's professor at St. Mathew's School of Medicine. He was involved with student services at St. Matthews. Dr. Matayoshi's bio is provided as (Exhibit 11). He has over 25 years of diverse teaching, academic and student support experience. He is a trained educational consultant. Dr. Matayoshi met with Katz regularly, he provided study skills instruction, and arranged additional testing time to take his basic science exams. Katz states in Errata correction deposition page 143 line 10 "this form (Request for Test Accommodation) was not regarded at the time to be all encompassing of all accommodations (formal and informal) ever received."